

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits – APHC – W.P.No.16053 of 2004 filed by Sri J.Paul Jayachandran and 39 others of Board of Secondary Education Management of Andhra Evangelical Lutheran Church, Guntur – approval of appointments in aided posts – Implementation of High Court Orders in W.P.No.16053/2004, dated 2-7-2008 – Administrative sanction – Orders – Issued.

EDUCATION (SE.PS.I) DEPARTMENT

G.O.Rt.No.726.

Dated: 21.12.2009

Read the following:-

1. Judgment in WP No.16053/2004 dated: 02.07.2008
2. Judgment in WA No.571/2009 dated: 16.07.2009
3. Govt.Memo.No.19595/SE.PS.I/A2/2007, dated: 22.08.2009
4. DSE, Hyderabad Lr.No.68/B2-1/2009, dated: 24.10.2009
5. Govt.Memo.No.19595/SE.PS.I/A2/2007, dated: 29.10.2009
6. DSE, Hyderabad Lr.No.68/B2-1/2009, dated: 16.11.2009

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ORDER:

In the reference 1st read above the Hon'ble High Court The Hon'ble High Court in W.P.No.16053/2004 in its order dt.2.07.2008 held as follows:

"Issue No.1: On the analysis above, the selection of the petitioners on 03.01.2004 by the duly constituted selection committee is deemed to have been approved in view of the provisions of Rule 12(8) of the Rules. Since it has been asserted by the petitioners that the management of AELC, Guntur Schools had forwarded the proposals for approval of the selection of the petitioners on 03.01.2004 and as it is admitted in additional counter affidavit filed by the third respondent that the said respondent had received such proposals, in view of the deemed provision, the selection of the petitioners is deemed to have been approved on the completion of two months from the date of receipt of the proposals (date of receipt of the proposals was dated: 03.01.2004) by the third respondent from the management of the schools and the petitioners shall be entitled to be treated as having been appointed to existing, clear, aided vacancies on and with effect from such deemed date of approval with all consequential and incidental benefits as to salary, emoluments and other service benefits.

Issue No.2: In view of the analysis and conclusions on issue No.1 the order of the third respondent bearing reference Rc.No.2503/131/04, dated: 27.09.2005 is invalid and unsustainable and is accordingly quashed."

2. In the reference 2nd read above the Division Bench of the Hon'ble High Court of A.P. in Writ Appeal No.571/2009 in its order dated: 16.07.2009 by interpreting the rule 12(8) of the A.P. Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Management) Rules, 1993 and Rule 12(6) of the said rules elaborately dismissed the said W.A.

3. In the reference 3rd read above Government have permitted the Commissioner & Director of School Education, Hyderabad to implement the orders of Hon'ble High Court dated: 02.07.2008 in W.P.No.16053/2004.

4. In the reference 4th read above the Director of School Education, A.P., Hyderabad have submitted the proposals for release of payment of arrears of

stipend and salaries in respect of 40 teachers as per the orders of the Hon'ble High Court and amounting to Rs.1,76,19,107/-.

5. In the reference 5th read above, Government have issued orders permitting the Commissioner & Director of School Education, A.P., Hyderabad to meet the above expenditure amounting to Rs.1,76,19,107/- (Rupees one crore seventy six lakhs nineteen thousands one hundred and seven only) towards payment of arrears of stipend and arrears of salaries to the 40 teachers of AELC Management, Guntur from the amounts already released during the financial year from the B.E. 2009-10.

6. In the reference 6th read above the Commissioner & Director of School Education, A.P., Hyderabad has requested the Government to accord administrative sanction for an amount of Rs.1,76,19,107/- (Rupees one crore seventy six lakhs nineteen thousands one hundred and seven only) towards payment of salaries to the 40 teachers of AELC Management, Guntur.

7. Government after careful examination of the proposal, administrative sanction orders is here by accorded for an amount of Rs.1,76,19,107/- (Rupees one crore seventy six lakhs nineteen thousands one hundred and seven only) towards payment of arrears of stipend and arrears of salaries to the 40 teachers of AELC Management, Guntur from the amounts already released during the financial year from the B.E. 2009-10.

8. This order issue with the concurrence of Finance (ESE) Department vide their U.O.No.11990/490/ESE/2009, dated: 29.10.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA
SECRETARY TO GOVERNMENT

To

The Commissioner & Director of School Education, A.P., Hyderabad
The Regional Joint Director of School Education, Guntur
The District Educational Officer, Guntur District
SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER